

(2021) 08 OHC CK 0055
In the Orissa High Court
Case No : CRLMP Nos.1288, 1289 Of 2021

Niranjan Devkumar

APPELLANT

Vs

State Of Odisha & Others

RESPONDENT

Date of Decision : 13-08-2021

Acts Referred:

Code Of Criminal Procedure, 1973 — Section 156(3)

Citation : (2021) 08 OHC CK 0055

Hon'ble Judges : Biswajit Mohanty, J

Bench : Single Bench

Advocate : P.K.Mishra, A.P.Das

Final Decision : Disposed Of

Judgement

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Biswajit Mohanty, J

Heard Mr. Mishra, learned counsel for the petitioner and Mr. Das, learned Additional Standing Counsel through video conferencing mode.

According to Mr. Mishra, the petitioner is aggrieved by the tardy manner in which investigation is being done in connection with Narasinghpur P.S.

Case No.280 of 2020.

Mr. Das relying on the decisions of the Supreme Court in the cases of Sakiri Vasu v. State of U.P. & others reported in (2008) 2 SCC 409 and Sudhir

Bhaskar Rao Tambe v. Hemant Yashwant Dhage and others reported in (2016) 6 SCC 277 submits that instead of approaching the jurisdictional

Magistrate under Section 156(3), Cr.P.C., the petitioner has unnecessarily rushed to this Court. He further submits that in the aforesaid decision, the

Supreme Court has made it clear that when after registering the F.I.R., if no

proper investigation is made, it would be open to the aggrieved person to file an application under Section 156(3) Cr.P.C. before the learned Jurisdictional Magistrate and if such an application is filed, appropriate direction can be issued by the learned Magistrate. In such background, learned counsel for the petitioner submits that liberty may be granted to the petitioner to approach the learned jurisdictional Magistrate under Section 156(3), Cr.P.C. Considering the submissions made and without expressing any opinion on the merits of the case, this Court grants liberty to the petitioner to approach the jurisdictional Magistrate under Section 156(3) Cr.P.C. duly supported by an affidavit within a period of two weeks. In the event, such an application is filed, the jurisdictional Magistrate would do well to proceed with the same in accordance with law, if there is no other impediment. Accordingly, this CRLMP is disposed of. Urgent certified copy of the order be granted on proper application.

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